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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 42nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 27 February 1990, at 3 p.m.

Chairman:	Mrs. QUISUMBING	(Philippines)
later:	Mr. DITCHEV	(Bulgaria)

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Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights, and in particular, on the implementation of the Declaration on the Right to Development

Effective functioning of bodies established pursuant to United Nations human rights instruments

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The meeting was called to order at 3.10 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 12) (continued)

1. The CHAIRMAN invited any delegations who so wished to exercise their right of reply under agenda item 12.

2. Mr. NOORANI (India) recalled that in its reply to the representative of Pakistan on 5 February 1990 on the subject of the State of Jammu and Kashmir, his delegation had expressed the view that the time of the Commission should not be spent in discussing issues extraneous to its concerns. Three weeks later, the delegation of Pakistan had again raised the question under a different agenda item. Without wishing to prolong that exchange, which was out of place in the Commission and harmful to relations between India and Pakistan, he would like to make a few points.

3. The State of Jammu and Kashmir was an integral part of India. The fact that India had brought to the attention of Pakistan's leaders that the problems in that State had arisen as a result of external interference made it all the more inappropriate for Pakistan to refer to the matter in the Commission. India, for its part, had not commented on the measures taken by the Pakistani authorities to deal with the recent disturbances in a number of regions of Pakistan. It wished merely to point out that despite terrorist actions, no state of emergency had been proclaimed in the State of Jammu and Kashmir, and the rights of all citizens had been maintained. The Supreme Court of India, as well as the High Court of the State of Jammu and Kashmir, guaranteed respect for those rights.

4. The State of Jammu and Kashmir had been the scene of systematic terrorist activities which had been a grave threat to law and order and to the security of citizens. The kidnapping of the daughter of the Home Minister of the Central Government, a Kashmiri, was an example. It was against this background of disturbances that a curfew had been imposed in certain towns. Despite the fact that the terrorists had tried to attract media attention in order to present a distorted version of reality and to demoralize public opinion, there had been no news blackout. The authorities had also been careful to ensure that the curfew did not interfere with the practice of religious observances - contrary to the claims made by the representative of Pakistan.

5. India wished to reaffirm the principle, recognized by the United Nations, that the right to self-determination was not applicable to regions which were an integral part of independent and sovereign States. If that principle were to be violated, the integrity of many States would be under threat. In conclusion, he reminded the Commission of the commitment undertaken by both India and Pakistan under the Simla Agreement to work towards a normalization of relations between the two countries.

6. Mr. WIN (Observer for Myanmar) said that some of the statements made by non-governmental organizations and by Western countries about the situation in Myanmar were a complete travesty of the truth. Torture and cruel treatment of prisoners were unknown. In addition, the situation in Myanmar had already been considered under a specific Commission procedure; the reopening of a parallel debate in the course of the same session would be contrary to the principles which should govern the Commission's work.

7. The situation in Myanmar had greatly improved over the past two years. Preparations were being made for the holding of democratic elections, which were to take place on 27 May 1990. Arrangements for those elections were in the hands of an independent electoral commission of five members, whose integrity had never been questioned by anyone in the country. One hundred political parties and 2,392 candidates would be participating in the elections, and the Government was doing all it could to see that they were held in a climate of peace and tranquillity and in strict accordance with the law of the land. The people and the Government of Myanmar would always be united in resisting any attempt at outside interference.

8. It was regrettable that individuals connected with certain illegal groups acting against the Governments of member States were increasingly appearing before the Commission to make abusive statements. Such a practice, if continued, would be harmful to the prestige of the Commission and to the prestige of the United Nations as a whole.

9. Mr. CHONG (Observer for the Democratic People's Republic of Korea) said that, although most non-governmental organizations contributed to the promotion of human rights, one of them, the International Organization for the Elimination of all Forms of Racial Discrimination, had distinguished itself by its provocative and immoral behaviour. That organization had grossly slandered a country which was doing its best to guarantee its national sovereignty and the welfare of its people, by describing it as a place where human rights were virtually non-existent. Contrary to the Commission's practice, it had gone so far as to insult, by name, the country's legally recognized leaders. The NGO in question ran the risk of losing face if it should emerge that it was allowing itself to be manipulated. He asked that the organization's statement should not be included in the record, and declared that his delegation would never recognize any statement that might be made by any of its representatives. The Commission should seriously consider whether the organization in question, which had violated elementary morality and the practice of the international community, as well as jeopardizing the progress of work, was qualified to attend the Commission's sessions.

10. Mr. PHARAON (Observer for the Syrian Arab Republic) said it was unfortunate that the Canadian delegation, when speaking of the human rights situation in a number of countries - including the Syrian Arab Republic - should have omitted to mention Zionist crimes in Palestine and in the occupied Arab territories. It should also have spoken about the activities of Canadian firms in South Africa, and about the racist criteria applied in relation to immigration to Canada.

11. Mr. GOFOUN (Observer for Sudan) said it was regrettable that the representatives of Canada and the United States of America had not taken into consideration the efforts in the cause of peace made by the Sudanese Government since 30 June 1989, notably in the form of contacts with the rebel movement and use of the good offices of foreign dignitaries, including former President Carter and Presidents Mubarak and Mobutu. Negotiations between the Government and the rebel movement were about to enter their fourth stage. A cease-fire had in fact been agreed in 1989, but the rebel movement had not respected that agreement. He also wished to stress that the Sudanese Government was facilitating the dispatch of humanitarian aid to the south of the country. Overall, Sudan consistently demonstrated its will to promote peace and respect for human rights.

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12. Mr. ANCOG (Philippines) referring to a statement made the previous day by the International Federation - Terre des Hommes, agreed that some evacuation measures had been applied in the Philippines in the rebel-infested areas, because the military authorities had been concerned to move the local inhabitants away from the theatre of operations. Those people had been evacuated to schools, churches and government buildings, where they had been fed and cared for by a number of agencies, including the Department of Social Welfare and Development, the Department of Health, and the Department of Local Government, as well as by non-governmental organizations such as the Philippine National Red Cross and Caritas. They were free to return home as soon as the military operations were over.

13. International Federation - Terre des Hommes had alleged that persons thus evacuated had been the victims of human rights violations, but had given no evidence in support of its allegations. It had spoken of children being terrorized, wounded or killed. Considering that the evacuation centres were public buildings, such allegations were difficult to believe and would seem to be more in the nature of propaganda. The organization concerned had further alleged that many children had died as a result of epidemics or malnutrition in some of these centres. He had visited the locality in person and was able to state that although there had been victims, they had been few in number. The records of the various governmental and non-governmental agencies concerned could be consulted on that point. The number of persons evacuated in the regions of Luzon, Visayas and Mindanao had also been greatly exaggerated. He assured the Commission that great concern had been shown for these evacuees by the Government, and notably by President Aquino, who had herself visited the area. With regard to the allegation concerning a confiscation carried out at the home of the woman who was the chairman of a child welfare organization, his delegation could not as yet give any details, but would look into the matter.

14. In conclusion, he reiterated that while his Government would respond positively to constructive statements, it considered that irresponsible and highly exaggerated statements could only be counter-productive.

15. Mr. KAMAL (Pakistan) said that the representative of India, in exercising his right of reply, had tried to conceal the gravity of the situation in Jammu and Kashmir and the human rights violations being committed there - a question which was, however, of concern to the Commission. The statement made by Pakistan on the subject had been based on independent assessments by Amnesty International and the London newspaper The Independent. Reference could also be made to articles and editorials that had appeared in such journals as The Times and The Guardian of London, the Frankfurter Algemeiner Zeitung, The Citizen of Ottawa, the Saudi Gazette, the Saudi Arab News, Sangram and Ittefaq of Dhaka, The Canberra Times, The Calcutta Telegraph and The Times of India.

16. The representative of India had referred to "external involvement". It was not the first time he had used that argument in an attempt to justify policies which violated human rights. The Indian representative had also asserted that the State of Jammu and Kashmir was an integral part of India. For his own part, his response to that assertion was that the will of the people should be determined by an impartial plebiscite held under United Nations auspices. Until that was done, the relevant United Nations resolutions would not be implemented. It was well known that India claimed

that the will of the people of the State of Jammu and Kashmir had already been expressed through elections held under Indian control, but he reminded the Commission that the Security Council, in resolutions 91 (1951) and 122 (1957), had affirmed categorically that any action by the so-called constituent assembly to determine the future of the territory would not constitute an expression of the will of the people. In fact, the people of Kashmir had given the lie to Indian assertions by boycotting the general elections held in November 1989.

17. For its part, Pakistan remained committed to seeking a peaceful settlement of the Jammu and Kashmir problem on the basis of the relevant United Nations resolutions and in the spirit of the Simla Agreement.

18. Mr. ALDORI (Iraq) said it was regrettable that statements by certain delegations and non-governmental organizations about the Kurdish population of Iraq had been motivated by political considerations which were out of place in the Commission. His delegation had already shown, in a detailed statement under agenda item 12, that the Kurdish population enjoyed full rights and suffered no kind of discrimination or oppression. On the contrary, the Iraqi Government was promoting the interests of the Kurdish people, since they formed an integral part of the Iraqi population. He pointed out that transfers of certain Kurdish communities had been carried out at their own request. In any event, the situation of the Kurdish population was to be investigated during a visit by members of the Sub-Commission, a visit which would be granted every facility by his Government.

19. Mr. LE LUONG MINH (Observer for Viet Nam) said that at the previous meeting the representative of the United States had mentioned the question of self-determination for Viet Nam. He pointed out that the Government and people of Viet Nam were second to none in cherishing national independence and self-determination. It was in that cause that they had fought for 40 years against foreign aggression, and for 20 years of that time against aggression on the part of the United States.

20. Mr. OMAR (Observer for the Libyan Arab Jamahiriya) said it was regrettable that the United Nations representative should have spoken of a lack of democracy in Cuba, the Libyan Arab Jamahiriya, Nicaragua and Viet Nam, countries which were co-sponsors of a draft resolution that in fact focused on the United States military intervention in Panama as a violation of international law and of the territorial integrity of a State. International opinion had expressed itself along the same lines. The intervention had even been criticized by legal experts in the United States itself. The attitude of the United States Government on the subject of human rights, notably with respect to Palestine and South Africa, was well known. However, that Government did not, as a rule, practise what it preached.

CONSIDERATION OF DRAFT RESOLUTIONS SUBMITTED UNDER THE FOLLOWING AGENDA ITEMS:

ITEM 6: THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE COLONIAL AND RACIST REGIME IN SOUTHERN AFRICA (E/CN.4/1990/L.21/Rev.1 and E/CN.4/1990/2, chapter I A, draft resolution VII)

ITEM 7: QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT (E/CN.4/1990/L.28/Rev.1)

ITEM 18: EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (E/CN.4/1990/L.29)

ITEM 5: VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (E/CN.4/1990/L.20)

Draft resolution E/CN.4/1990/L.21/Rev.1 (agenda item 6)

21. Mr. SAADALLAH (Observer for Egypt), introducing the draft resolution on behalf of the sponsors, to which Nicaragua and the Syrian Arab Republic should be added, said that although the release of Nelson Mandela was a source of satisfaction, it must be remembered that the odious apartheid régime was still there. Nelson Mandela's release stemmed directly from the resistance and struggle of the oppressed people of South Africa and from the adoption of measures, including sanctions, by the international community. Encouraged by that fact, the sponsors of the draft resolution had wished to reaffirm that the pressure must be maintained or even increased in order to make South Africa a united, democratic and non-racial country. The Commission would note that the draft resolution submitted to it for consideration hardly differed in form or substance from the text adopted at the forty-fifth session. Its attention was drawn, in particular, to operative paragraphs 5 and 7 and to operative paragraph 17, in which a renewal of the mandate of the Special Rapporteur, Mr. Khalifa, was requested.

Draft resolution E/CN.4/1990/L.28/Rev.1 (agenda item 7)

22. Mr. de RIVERO BARRETO (Peru), introducing the draft resolution on behalf of the sponsors, recalled that at its forty-fifth session the Commission had decided to add the question of foreign debt to the agenda item concerned with the realization of economic, social and cultural rights. The draft resolution was designed, not to reopen the debate on questions of substance, but to find a way of enabling the Commission to monitor the situation closely in the light of various studies and reports, including those of UNICEF and the World Bank, which gave a good idea of the extent of the problem. The sponsors had wished to stress the human dimension of the economic problems of indebtedness and adjustment policies. In no way were they seeking to point out those responsible; they merely wished the Commission to keep the issue under review by monitoring developments in the situation from the standpoint of the economic, social and cultural rights of the affected populations. The sponsors hoped that the Commission would not misjudge their intentions and would adopt the text without a vote.

Draft resolution E/CN.4/1990/L.29 (agenda item 18)

23. Ms. ANDREYCHUCK (Canada), introducing draft resolution E/CN.4/1990/L.29 on behalf of the sponsors, to which Kenya should be added, said that the text reflected the concerns expressed in previous resolutions of the Commission on Human Rights and the General Assembly regarding the effective functioning of treaty bodies, which was essential to the full and efficient implementation of United Nations human rights instruments. Since the General Assembly had reaffirmed, in its resolution 44/135, the importance of addressing the question of securing sufficient financial resources, the sponsors of the draft resolution had wished to propose a means of doing so; in particular, in operative paragraph 10 they recommended the establishment of a "contingency reserve fund" for the Committee on the Elimination of Racial Discrimination. In order to make it clear that the recommendation was only an idea that would be officially put forward at a later date to the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, the sponsors had redrafted the paragraph in the following terms:

> "10. Recommends that the Secretary-General seek to obtain, at the earliest opportunity, the concurrence of States parties to the Convention on the Elimination of All Forms of Racial Discrimination to the establishment of a 'contingency reserve fund' made up of that portion of State party payments, received prior to 31 December of each year, which are over-assessments for the Committee on the Elimination of Racial Discrimination for the elapsed year (normally credited against the contribution of States parties), provided that the agreement of a State party must first be obtained before its own over-assessment is paid into this fund, and to be used to finance, on a contingency basis, up to two meetings of the Committee on the Elimination of Racial Discrimination in a following year, for which State payments have not been received in that calendar year, with the contingency fund to be reimbursed in full once payments by these States are received."

Draft resolution E/CN.4/1990/L.20 (agenda item 5)

24. Mr. MAHIGA (United Republic of Tanzania), introducing draft resolution E/CN.4/1990/L.20 on behalf of the sponsors, to which Cameroon, Cuba, Iraq, Morocco, Nicaragua and the Syrian Arab Republic should be added, first of all drew attention to several amendments to be made to the text.

25. The sixth preambular paragraph should read as follows: "Recalling the concerns repeatedly expressed about abductions and assassinations carried out by the South African régime against political refugees and members of the liberation movements,".

26. The seventh and seventeenth preambular paragraphs were merged into a single preambular paragraph reading:

> "Having examined Mr. F.W. De Klerk's statement of 2 February 1990 in which, inter alia, he rescinded the ban on the African National Congress of South Africa, the Pan Africanist Congress of Azania and other political organizations,".

27. The ninth preambular paragraph was replaced by the following text:

> "Outraged by South Africa's acts of violence in the townships, the continued intransigence in revoking the abominable apartheid laws, and in refusing to reinstate the human rights of political prisoners by freeing them unconditionally,".

28. In the penultimate line of operative paragraph 20, the word "significant" should be inserted before the word "step".

29. As in previous years, the draft resolution on the situation of human rights in South Africa reflected the gross and widespread violations of human rights inherent in the apartheid system, attested by the interim report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7). At the same time, the sponsors recognized the importance of Mr. De Klerk's statement, seeing in it the beginning of a negotiated process of transforming South Africa into a united, democratic and non-racial country. The release of Nelson Mandela was stressed as a triumph of human rights over the forces of oppression and as the sign of an incipient change. The draft resolution was therefore designed to give an account of the new situation in South Africa, to send a message to Mr. F.W. De Klerk, and to appeal to the international community not to relax its pressure until the apartheid system had been finally dismantled. It would be seen that the text was very faithful in both spirit and letter to the Declaration on Apartheid and its Destructive Consequences in South Africa adopted by consensus at the sixteenth Special Session of the General Assembly on 14 December 1989, some of the wording of which it even incorporated. The sponsors had wished to reaffirm the universally recognized need to exert concerted pressure, including sanctions, on the South African régime in order to keep alive the hopes of progress that had recently arisen.

30. The sponsors had deliberately avoided any reference to Namibia, whose independence was imminent. Nevertheless, his delegation wished to note the report of the Ad Hoc Working Group (E/CN.4/1990/7/Add.1), which showed that although the after-effects of apartheid could not disappear from one day to another, the combined efforts made by the international community under the auspices of the United Nations had laid the foundations for the realization of the rights and fundamental freedoms of the Namibian people.

31. His delegation thanked those delegations which, through their constructive suggestions, had made it possible to draw up a text reflecting as faithfully as could be the joint concern and commitment to bring about the abolition of the apartheid régime. It hoped that the draft resolution would receive the unconditional support of all members of the Commission.

32. The CHAIRMAN invited the Commission to vote on the draft resolutions submitted, drawing attention to the procedure to be followed: the Commission would hear comments on all the draft resolutions, then explanations of vote before the vote as and when they were announced, and finally explanations of vote after the vote, agenda item by agenda item.

Draft resolution E/CN.4/1990/L.21/Rev.1 (agenda item 6)

33. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights) presented the statement of programme-budget implications of draft resolution E/CN.4/1990/L.21/Rev.1, in accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council. Since the financial implications of resolution VII of the Sub-Commission on Prevention of Discrimination and Protection of Minorities were similar to those of draft resolution E/CN.4/1990/L.21/Rev.1, the statement applied to both texts.

34. After drawing attention to the relevant provisions of the texts, he said that the total cost to be charged to chapter XXIII (Human Rights) of the programme budget was estimated to be $US 29,500 for each of the two years 1990 and 1991. The Secretariat intended to finance the expenditure incurred for the necessary computer services within the limits of the resources already allocated under chapter XXVI G and H of the programme budget for the biennium 1990-1991. It was considered that the activities envisaged in draft resolution E/CN.4/1990/L.21/Rev.1 of the Commission and resolution VII of the Sub-Commission were included under ongoing activities and would therefore be financed out of the funds supplied under the allocations made by the Economic and Social Council in chapter XXIII of the programme budget; thus it would not be necessary to request additional allocations or to resort to the contingency reserve.

35. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a vote was taken by roll-call on draft resolution E/CN.4/1990/L.21/Rev.1.

36. Mexico, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, Hungary, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Italy, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Japan, Panama, Spain, Sweden.

37. Draft resolution E/CN.4/1990/L.21/Rev.1 was adopted by 31 votes to 8, with 4 abstentions.

Draft resolution VII of the Sub-Commission (agenda item 6)

38. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a vote was taken by roll call on draft resolution VII (E/CN.4/1990/2)

39. Sao Tome and Principe, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, Hungary, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, Canada, France, Germany, Federal Republic of, Italy, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Japan, Spain, Sweden.

40. Draft resolution VII of the Sub-Commission was adopted by 32 votes to 8, with 3 abstentions.

41. Mr. STANEVSKI (Union of Soviet Socialist Republics), speaking in explanation of vote, said that his delegation had supported draft resolution VII, but would have abstained if a separate vote had been taken on operative paragraph 6.

42. Ms. LEADER (United States of America) said that her delegation supported recourse to pressure in order to abolish apartheid. Nevertheless, her delegation had voted against draft resolution E/CN.4/1990/L.21/Rev.1 because it was opposed to the imposition of global binding sanctions against South Africa, preferring peaceful negotiation in their stead.

43. Mr. SEZAKI (Japan), speaking in explanation of vote, said that his delegation had abstained in the vote on draft resolution E/CN.4/1990/L.21/Rev.1 because the text contained paragraphs which his Government found it difficult to accept.

44. His delegation had also abstained in the vote on draft resolution VII because it stated, in operative paragraph 3, that the Commission welcomed with satisfaction the resolution voted on earlier, in which his delegation had abstained.

Draft resolution E/CN.4/1990/L.28/Rev.1 (agenda item 7)

45. Mr. SEZAKI (Japan), speaking in explanation of vote before the vote, said that his Government shared the developing countries' concerns and had actively participated in all international activities designed to assist them; Japan was allocating more than 10 billion dollars as official development assistance to developing countries. However, his delegation would vote against draft resolution E/CN.4/1990/L.28/Rev.1 because it believed that the Commission on Human Rights was not an appropriate body to consider issues relating to foreign debt and economic adjustment policies.

46. At the request of the representative of Japan, a vote by show of hands was taken on draft resolution E/CN.4/1990/L.28/Rev.1.

47. Draft resolution E/CN.4/1990/L.28/Rev.1 was adopted by 36 votes to 2, with 5 abstentions.

48. Mr. STEEL (United Kingdom), speaking in explanation of vote after the vote, said that his delegation regretted having been unable to vote in favour of the draft resolution, which contained passages and provisions it considered unacceptable. Thus, the title of the draft resolution itself and operative paragraphs 3 and 5 implied that economic adjustment policies had an adverse effect on the enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development. The United Kingdom took the contrary view that economic adjustment policies were the only means of achieving economic and social progress capable of promoting the enjoyment of certain human rights. It would have been possible to formulate the relevant provisions in a manner to which the United Kingdom delegation might have agreed, for it was true that economic decline had entailed a lowering of the standard of living in some countries and that the burden of foreign debt servicing, among other factors, made the problem difficult to resolve.

49. Mr. SCOTT (United States of America) said that his delegation was not unsympathetic to the concern of many of the Commission's members with debt and economic adjustment issues. The United States was working actively to address those issues in the appropriate forums, most notably the international financial institutions as well as the economic organs of the United Nations system. Noting that the draft which had just been adopted recognized the work being done elsewhere in the United Nations family and specifically referred to documents produced by UNICEF, the United Nations Economic Commission for Africa and the World Bank, he expressed the view that mention could also have been made of the work under way in the United Nations Conference on Trade and Development, the special session of the General Assembly on development which was to be held shortly, and work being done in preparation for the Fourth United Nations Development Decade.

50. All the foregoing reinforced his delegation's view that the issue was inappropriate to the Commission on Human Rights. The question of foreign debt was certainly important, but neither the Sub-Commission nor the Commission had the time or the expertise to give that complicated subject the attention it deserved. For that reason, his delegation had voted against draft resolution E/CN.4/1990/L.28/Rev.1.

51. Ms. FERRIOL (Cuba) said that her delegation had voted for the draft resolution because it considered that the Commission on Human Rights should devote particular attention to the effects of economic adjustment policies on the effective enjoyment of human rights. She would, however, have preferred the text to refer more directly to all important aspects of foreign debt servicing. In her delegation's view, recent trends in economic adjustment policies called not only for economic growth but also for development capable of guaranteeing an adequate standard of living for the populations of developing countries.

52. Mr. RONQUIST (Sweden) recalled that his country attached a great deal of importance to problems connected with foreign debt servicing; however, the issue lay outside the scope of the Commission on Human Rights, and the Commission was not qualified to discuss it. The debt situation could indeed weigh heavily upon the economic and social development of many countries, but

it should not exempt States from the obligation to guarantee full enjoyment of civil and political rights by everyone. His delegation had therefore abstained in the vote.

53. Mr. RIETJENS (Belgium) said that his delegation had voted for the draft resolution because it wished to stress the importance it attached to the foreign debt issue and its relationship with the problems which confronted many developing countries in respect of guaranteeing decent living conditions to their populations. That being said, his delegation remained convinced that in order to preserve a degree of logic in the operation of the United Nations, each body should abide by its mandate. That of the Commission on Human Rights was to prevail upon the Governments of member States to honour their obligation to respect, and ensure the respect of, human rights. It was not the Commission's chief purpose to deal with economic relations among States, even if those relations could, directly or indirectly, affect the enjoyment of human rights. Other bodies within the United Nations system were much more experienced in that field and better equipped to deal with the substance of problems relating to foreign debt and economic adjustment policies.

54. Mr. MEZZALAMA (Italy) said that his delegation had voted in favour of the draft resolution in order to stress its concern with the issue of foreign debt as a priority problem for developing countries. That was, however, without prejudice to his delegation's view that the problem of foreign debt servicing should be addressed in other United Nations bodies and technical forums where it was currently under discussion.

55. Mr. GOMPERTZ (France) said that his delegation had voted in favour of the draft resolution as a token of its apppreciation of the efforts towards moderation and objectivity made by the draft's sponsors. In any other appropriate forum, France would have been able to give such a text its unreserved support. However, it doubted the usefulness of submitting a draft resolution on foreign debt to the Commission on Human Rights and saw no reason to single out any one of the factors which might affect the standard of living of the people of a country. The problem was an economic one and was already under consideration by other, more competent bodies such as UNCTAD, IMF and the World Bank.

Draft resolution E/CN.4/1990/L.29 (agenda item 18)

56. Draft resolution E/CN.4/1990/L.29 was adopted without a vote.

57. Mr. STEEL (United Kingdom), speaking in explanation of vote after the vote, said that his delegation had been pleased to join the consensus on the draft's adoption, but wished to clarify its position. His Government paid its outstanding contributions in full and in good time as a matter of principle and considered it appropriate that all other States parties or States members should be encouraged to do likewise. The draft resolution, and more particularly its operative paragraph 10, seemed to be unfairly penalizing States parties which scrupulously discharged their obligations by asking them, in substance, to finance other States which defaulted on their obligations. His Government therefore interpreted the draft to mean that States were free to pay their excess contributions into a "contingency reserve fund" if they so wished, but that they could on no account be compelled to do so. Furthermore, the possible establishment of a contingency fund should in no way diminish the pressures exerted on all States parties to meet all their financial

obligations without delay. Lastly, his delegation considered that the consideration of all financial issues should be governed predominantly by the application of the financial regulations of the United Nations and that the appropriate machinery should be applied in all cases without exception.

58. Mrs. GUMPRICH (Federal Republic of Germany) said that her country had joined the consensus on the draft resolution because it shared the concern with the effective functioning of bodies established pursuant to United Nations human rights instruments. Operative paragraph 10 proposed the establishment of a "contingency reserve fund" made up of excess contributions by States parties to the Committee on the Elimination of Racial Discrimination, which would be used to finance, on a contingency basis, up to two meetings of the Committee in the following year. In that connection she wished to place on record that the adoption of the draft resolution did not mean that the Federal Republic of Germany would be in a position to approve the establishment of such a fund. Her country's strict financial regulations did not allow credits assigned to the regular budget of the United Nations to be reassigned to special funds. Furthermore, her Government was of the opinion that the solution to the Committee's financial difficulties lay in the punctual discharge of their financial obligations by all States parties and not in a mechanism which might impose an additional burden upon non-defaulting States.

59. Mr. TSUNOZAKI (Japan) said that he had joined the consensus on the revised draft resolution as a token of his appreciation of the efforts made by the Canadian delegation to improve the efficiency of the existing machinery for the promotion of human rights. However, Japan's position with regard to the contents of operative paragraphs 8 and 9 had not changed since the Commission's previous session. Moreover, Japan interpreted operative paragraph 7 as entailing neither the cancellation of unpaid contributions nor unfair treatment of States which, in spite of financial difficulties, were prepared to discharge their financial obligations. As for paragraph 10, his Government considered that it would be inappropriate to establish a contingency fund before States parties had had an opportunity to consider its contents and purpose.

Draft resolution E/CN.4/1990/L.20 (agenda item 5)

60. At the request of the representative of the Federal Republic of Germany, a vote was taken by roll-call on paragraph 19 of draft resolution E/CN.4/1990/L.20.

61. Spain, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Sweden, Venezuela, Yugoslavia.

Against: Belgium, France, Germany, Federal Republic of, Italy, Japan, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Botswana, Brazil, Bulgaria, Canada, Hungary, Spain, Swaziland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

62. Paragraph 19 was adopted by 26 votes to 8, with 9 abstentions.

63. At the request of the representative of the Federal Republic of Germany, a vote was taken by roll-call on the passage in the second sentence of paragraph 21 beginning with the words "and are commended" and ending with the word "implementation".

64. Cyprus, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Canada, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, France, Germany, Federal Republic of, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Botswana, Hungary, Italy, Japan, Spain, Swaziland.

65. The passage was adopted by 31 votes to 6, with 6 abstentions.

66. At the request of the representative of the United Kingdom, a vote was taken by roll-call on draft resolution E/CN.4/1990/L.20 as a whole.

67. Hungary, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Canada, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, Ghana, Hungary, India, Iraq, Madagascar, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Spain, Sri Lanka, Swaziland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, France, Germany, Federal Republic of, Italy, Japan, Portugal.

68. Draft resolution E/CN.4/1990/L.20 was adopted by 35 votes to 2, with 6 abstentions.

69. Mr. RAVEN (United Kingdom), speaking in explanation of vote after the vote, expressed keen regret at the fact that the laudable efforts to achieve consensus made by the draft resolution's sponsors had proved unsuccessful. Notwithstanding its vote against the draft, his delegation continued to be strongly opposed to violations of human rights in South Africa, and more especially to apartheid. It was to be hoped that thanks to the progress made at the present session, the Commission would achieve consensus on the issue at its next session.

70. Mr. PALACIOS (Spain) welcomed the flexibility displayed by the draft's sponsors in drafting the document. However, his delegation regretted the extreme language employed in certain paragraphs. Furthermore, while firmly convinced that the international community should use every peaceful means at its disposal in order to eliminate apartheid, it did not believe that total isolation of the Pretoria régime, especially in the present situation, was the best way of contributing towards the improvement of the black population's living conditions or of ensuring respect of its fundamental freedoms and rights. His delegation also considered that some of the measures proposed in the text fell within the scope of other United Nations bodies.

71. Ms. ANDREYCHUCK (Canada), speaking in explanation of vote after the vote, welcomed the efforts to attract support made by the draft's sponsors. Consensus had come very close, which augured well for the future. In voting for the draft, her delegation had been motivated by the wish to advance the cause of a just and non-racial democracy in South Africa.

72. Mr. SEZAKI (Japan) said that he greatly appreciated the goodwill shown by the draft's sponsors, especially in referring to the positive steps taken by Mr. de Klerk. However, he regretted that the absence of consensus on some points had compelled his delegation to abstain, and expressed the hope that the constructive spirit which had prevailed during the debate would be maintained and strengthened during the follow-up to the decision just taken.

73. Ms. LEADER (United States of Amercia), speaking in explanation of vote after the vote, welcomed the efforts made to ensure that the draft resolution expressed the concern felt by all nations represented on the Commission at violations of human rights in South Africa. Unfortunately, her delegation had had no choice but to vote against the text, which failed to reflect fully the consensus reached at the special session of the United Nations General Assembly on apartheid and did not place sufficient emphasis on the steps taken recently in South Africa in order to create a climate propitious to negotiations.

74. Mr. GROLIG (Federal Republic of Germany), speaking in explanation of vote after the vote, commended the constructive spirit displayed by the draft resolution's sponsors and expressed profound regret at the Commission's inability to reach a consensus. His delegation had abstained in the vote on the draft as a whole and, by reason of his Government's well-known position on compulsory sanctions, had had to vote against paragraph 19 and the passage in paragraph 21 which had been put to the vote. His Government also disagreed with the wording of the thirteenth preambular paragraph which implied that compulsory sanctions should be applied.

75. The CHAIRMAN said that the Commission had completed its consideration of agenda items 5, 6, 7 and 18.

76. Mr. MOSES (Grand Council of the Crees) explained that he spoke also on behalf of the International Organization of Indigenous Resource Development, the Four Directions Council and the South American Indian Council.

77. The indigenous peoples of the countries of North and South America were continuing to suffer under the non-recognition of their civil, political, economic, social and cultural rights by dominant States which considered those peoples' needs and interests less important than their own. They were being denied their fundamental right of self-determination and, as a result, were not able to benefit from or to develpp their lands and resources, which those States had appropriated for short-term economic gain, thus endangering the environment.

78. In South and Central America, children of Indians continued to be bought and sold for adoption. The Grand Council of the Crees wished to direct the attention of the Commission's members to the lacunae which existed in that respect in the recently adopted Convention on the Rights of the Child, and particularly its article 21 (b) and (d). In the United States, the Indian treaties were being flouted and in Canada, the racist Indian Act was still in force. In all those countries the indigenous peoples were victims of oppression and their very existence was threatened. Was it possible to doubt that the rights abuses against the indigenous peoples of the Americas constituted a pattern of gross and persistent violations of human rights which met the Commission's criteria for intervention?

79. It had lately begun to be realized that all the world's peoples shared the earth's resources. Events which had taken place in 1989 had shown that change was still possible. Eastern Europe had opened its borders; the Government of Colombia had recently recognized indigenous land rights, Nelson Mandela had been freed. The momentum for goodwill and the reversal of historic wrongs should be carried further. The international community should take urgent action to protect the rights of indigenous peoples.

80. Mr. Ditchev (Bulgaria), Vice-Chairman, took the Chair.

81. Mr. KHOURI (Union of Arab Jurists) said that his organization had always endorsed the principles set forth in the Universal Declaration of Human Rights and in the international human rights instruments and had supported the struggle against all forms of oppression degrading to man. It noted with regret the violations taking place in several Arab countries - proliferation of emergency tribunals, restrictions upon the freedom of expression and of the press, banning of trade unions and organizations for the defence of human rights. The gravity of those violations varied from country to country. In Syria, the State of Emergency Act had been in force for the past 27 years and some political prisoners had been held in Syrian prisons for more than 20 years. In Sudan, too, a state of emergency had been proclaimed and arbitrary arrests, as well as cases of torture in prisons, had been reported. The Union of Arab Jurists called upon those two countries to repeal the state of emergency and release all political prisoners.

82. In other countries there were fortunately some positive signs of willingness to respect the provisions of the International Covenants on Human Rights and to guarantee fundamental rights and freedoms. His organization could only welcome that trend towards democratization, for democracy was the only means of preserving man's freedom and dignity. Recent events in Eastern Europe confirmed that truth.

83. His organization wished once again to draw the Commission's attention to the question of the settlement of Jewish immigrants from the Soviet Union in Israeli colonies in the occupied Arab territories and Jerusalem. That deliberate policy of Israel's ran counter to the relevant resolutions adopted by the United Nations and, more particularly, by the Commission, and showed that Israel sought to fan the flames of conflict in the region and refused all peace initiatives.

84. Lastly, his organization deplored the absence of efforts since the ending of the war between Iraq and Iran in August 1988 to ensure that all prisoners of war were released in accordance with article 118 of the Third Geneva Convention and paragraph 3 of Security Council resolution 598 (1987). In that connection, it supported the latest initiative taken by Iraq in July 1989 proposing the release of all prisoners of war, the resumption of talks with Iran under the auspices of the United Nations and the opening of frontiers between Iraq and Iran to inhabitants of both countries in order to facilitate pilgrimages to holy places. The Union of Arab Jurists appealed to the Commission to support that initiative and called upon Iran to accept it in the interests of both parties, thus putting an end to the sufferings of the prisoners and their families.

85. Mr. ALVARADO (Indian Council of South America) paid a tribute to all the indigenous peoples of the American continent who were struggling in various ways to preserve their life, land and culture, end the oppression, discrimination and exploitation to which they were subjected, and live in freedom at last.

86. In Guatemala, any attempt by Indians to recover their lands and to denounce the wretchedness, hunger and injustice in which they lived and the infringements of their rights had been ruthlessly put down by all successive Governments. The army and paramilitary groups massacred children, women and old people indiscriminately. Cultural oppression and violations of their economic and social rights, above all their right to life, were the Indians' daily lot. Murderous operations launched by the army against villages with Indian majority populations had made many victims, particularly in the El Quiche district. In his report on Guatemala (E/CN.4/1990/45/Add.1), Mr. Gros Espiell stressed that it was "... imperative and urgent that the ... public authorities and all current social and political sectors in the country should tackle ... the task of ... terminating the campaign of open repression that has been waged ... against these communities and ... encourage the elimination of the phenomena of general discrimination, economic exploitation and ethnic oppression which ... have been plaguing these people, communities and persons for several centuries". Before the army had destroyed the indigenous communities' traditional system of organization, those who broke established laws were judged by the community's other members. If the Guatemalan Indians could judge the military men responsible for the genocide and ethnocide in that country and those who supported them, they would without any doubt sentence them to severe penalties.

87. The Indian Council of South America categorically rejected the Guatemalan Government's assertions denying the existence of human rights violations in Guatemala and putting forward the view that the appointment of a special rapporteur on Guatemala would infringe the established constitutional order. The international community could not allow all those crimes to remain unpunished.

88. Mr. JAZIC (Yugoslavia) said that the forty-sixth session of the Commission was taking place in an international climate distinguished by the relaxation of tensions and of confrontation between the major Powers and their respective blocs and by a general orientation towards negotiations with a view to resolving global problems and regional conflicts by peaceful and political means and opening new avenues for progress in many areas of international co-operation. Those positive trends, which were in tune with the principles and goals of the Non-Aligned Movement, should become universal and irreversible. The positive changes taking place in some countries of Europe and within the framework of the Conference on Security and Co-operation had had beneficial repercussions in the field of human rights and fundamental freedoms, including the rights of minorities in many countries, and on the observance and implementation of many international instruments created for their protection. In that connection, he recalled that the promotion of human rights and freedoms was one of the basic objectives of the non-aligned countries and had been reaffirmed as such at the Ninth Non-Aligned Summit held in Belgrade in 1989.

89. It was becoming increasingly clear that the effective enjoyment of human rights depended on the political, economic, social and cultural conditions of life of peoples, nations and individuals. Everything possible should be done to guarantee not only civil, political, economic, social and cultural rights but also the right to development. The approach to human rights problems should be constructive and should be directed towards solving those problems rather than merely identifying them without due consideration of their causes. His delegation also strongly believed that human rights and fundamental freedoms were best served within a democratic framework. A number of measures had been taken in Yugoslavia to speed up the process of democratization and adjustment of national laws.

90. His delegation welcomed the progress achieved by certain countries in the human rights field. In particular, it was happy to note the re-establishment of democracy in Chile and to report that Yugoslavia had resumed its diplomatic relations with that country. However, a great deal still remained to be done in Chile as well as in other countries where the human rights situation had deteriorated, as the reports of the Commission's special representatives and rapporteurs showed.

91. The Government of Albania had begun to communicate with the Commission, but the information it provided failed to answer the serious allegations of human rights violations in Albania formulated by the Commission. The Albanian Government confined itself to a formal description of constitutional and legal provisions concerning human rights and fundamental freedoms in force in the country, without stating how those provisions were implemented in practice. That was the essential problem. The entire system in Albania was still based on anachronistic postulates of ideological monolithism, typical of the period of Stalinism, which in practice took the form of manipulation of individuals and groups and non-respect of universally recognized human rights. The national minorities, in particular, were victims of a systematic policy of denationalization and assimilation. The numbers of the Yugoslav minorities had diminished considerably and some of them, such as the Serbs and Montenegrins, were not even recognized as minority groups. His delegation remained concerned with the human rights situation in Albania and believed that the Albanian authorities should make substantial efforts to implement internationally recognized standards concerning human rights and fundamental

freedoms. Yugoslavia, for its part, was willing to maintain good-neighbourly relations with Albania on condition that that country also showed the necessary goodwill.

92. His delegation was aware of serious violations of human rights in other parts of the world, but, bearing in mind the positive development taking place in some regions and the encouraging achievements of the Commission, it was confident that with the co-operation and goodwill of member States the present session would mark a further step towards the effective realization of human rights and fundamental freedoms.

The record of the second part of the meeting is issued under the symbol E/CN.4/1990/SR.42/Add.1.

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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE SECOND PART* OF THE 42nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 27 February 1990, at 6 p.m.

Chairman: Mr. DITCHEV (Bulgaria)

later: Mrs. QUISUMBING (Philippines)
Ms. SINEGIORGIS (Ethiopia)

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Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

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* The summary record of the first part of the meeting appears as document E/CN.4/1990/SR.42.

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GE.90-11195/1601B

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1990/5, 21, 22 and Corr.1 and Add.1, 24, 25-27, 28 and Add.1, 51, 52, 55, 57, 60-63, 69, 70, 73, 74, 76; 78 and 80; E/CN.4/1990/NGO/1, 3, 9, 10, 15, 19, 23-27, 31, 32, 34, 35, 40, 47, 53-55, 58 60, 62, 63 and 65; A/44/526, 573, 620, 622, 635, 669 and 671)

1. Mr. SEZAKI (Japan) said that, before stating his country's views on situations in particular countries, he wished to make some general comments on human rights. The world had been committing itself to the principles of liberty, democracy and respect for human rights, and those principles were increasingly transcending old borders of nation States as the barriers between countries became less rigid. Consequently, the question whether or not human rights were observed was a matter of legitimate international concern. No country, large or small, should be allowed to try to prevent its own human rights situation from being debated by the Commission. His delegation believed that freedom of thought, conscience, religion, opinion and speech should be given higher priority than other human rights, since without them it was difficult to secure other human rights. Nevertheless, special regional backgrounds or circumstances should be taken into consideration, in particular, the economic and social problems faced by developing countries. Such difficulties, however, could be overcome only if the aforementioned freedoms were scrupulously respected; attaching importance to economic development and social stability could not, therefore, be used as an excuse for sacrificing rights or freedoms.

2. His delegation welcomed the efforts of the Government of Chile to promote democratization, such as the election of the President and Parliament, as recognized in the Special Rapporteur's report. Consequently, it was satisfied with the Commission's decision no longer to consider the human rights situation in Chile as a separate agenda item and to place it under current agenda item 12. However, it was regrettable that, when drawing up his report, the Special Rapporteur had been unable to obtain direct information from the Chilean authorities and, consequently, had been obliged to base the report essentially on information from informal sources. His delegation was concerned about that lack of co-operation, and sincerely hoped that the Chilean Government would pay due attention to the conclusions and recommendations of the report and continue its efforts to restore the confidence of the international community in the human rights situation in Chile.

3. Turning to El Salvador, his delegation appreciated the extensive oral report given by the Special Rapporteur but regretted the delay in distribution of the report, which prevented him from making any detailed comments on the subject. The Special Rapporteur's efforts to make his assessment as objective and fair as possible by collating information from a variety of sources were praiseworthy. Despite a number of encouraging elements, there were none the less some disturbing aspects which gave cause for concern about the future human rights situation in El Salvador. His delegation therefore hoped that the conclusions and recommendations of the Special Rapporteur would be heeded

by the authorities in El Salvador, the Farabundo Martí National Liberation Front (FMLN) and guerrilla organizations, and that, through the immediate resumption of dialogue between them, peace and respect for human rights would be established as rapidly as possible.

4. Although his Government was still concerned about continued allegations of human rights violations in Cuba it appreciated the co-operation given by the Government of Cuba to the mission to that country and, in addition, its efforts to restore and improve various human rights. It was regrettable, however, that the Secretary-General had not yet prepared a report on the results of his direct contacts with the Government of Cuba in fulfilment of the mandate given him by Commission resolution 1989/113.

5. The events in China in June 1989 had stunned the world and caused the Japanese people deep concern. However, the decision to lift martial law in Beijing in January had been a welcome move, which his delegation regarded as a sign that the Chinese Government was striving to regain the confidence of the international community. Japan hoped that China's policy of reform and opening up to the outside world would remain unchanged.

6. His Government was concerned about reports of human rights violations in Myanmar but welcomed the announcement of free and fair multi-party democratic elections to be held on 27 May 1990. If the efforts to democratize the country were to bear fruit and gain international recognition, however, all political leaders should be able to participate in the elections. It was therefore disappointing that some political leaders had been debarred from standing in the elections.

7. The continued armed conflict in Afghanistan, despite the complete withdrawal of foreign troops in accordance with the Geneva agreement, was a matter of grave concern. Human rights violations, such as detention for political reasons, torture and mandatory conscription, were reported on both sides. Regrettably, despite an appeal by his delegation at the previous session of the Commission, the Afghan authorities and opposition movements had failed to implement the recommendations made by the Special Rapporteur in conformity with the provisions of the International Bill of Human Rights. Another important problem concerned refugees. Hopes of a mass repatriation of refugees following the complete withdrawal of foreign troops from Afghanistan had been dashed. That was primarily due to the continued civil war, which deterred refugees from returning home and, consequently, increased the burden on neighbouring countries. In order to create the necessary conditions for the free exercise of the right to self-determination, however, the return of all refugees must be facilitated and, for that purpose, his delegation emphasized the need to consider the interests of all parties involved. In that respect, Japan had been co-operating actively by, for example, making a contribution of $US 105 million through the Office of the United Nations Co-ordinator for Afghanistan.

8. With regard to Iran, there had been numerous allegations of violations of civil and political rights in particular, including a wave of executions, which had been referred to in the report submitted at the forty-fifth session by Mr. Galindo Pohl, Special Representative whose admittance by the Iranian

Government had been long awaited. His delegation welcomed the decision by the Iranian authorities to accept the mission of the Special Representative from 21 to 29 January 1990 but, since the report had only been made available that day, he was unable to comment on it.

9. On the subject of Iraq, his delegation welcomed the invitation extended to the members of the Sub-Commission by a non-governmental organization (NGO) in Iraq and hoped that the invitation was fully backed by the Iraqi Government. In that connection, the statement by the Iraqi representative under agenda item 12, in which he had confirmed his Government's willingness to assist the members' visit in every way, had been encouraging.

10. In his delegation's view, the situation in Cyprus had been studied by the Commission for an astonishingly long time, and it regretted that the Secretary-General's good offices had not yet brought about a tangible solution. In the current circumstances, it supported a negotiated settlement and hoped that the restoration and observance of human rights for all people would be ensured as soon as possible.

11. As to recent developments in Eastern Europe, his Government welcomed the movement towards democracy and freedom, and hoped that human rights and fundamental freedoms, in particular those of peaceful assembly, opinion and expression, would be further respected and ensured through structural and institutional reforms. It particularly hoped that developments in Romania would bring about a drastic and steady improvement in the human rights situation there.

12. He had three suggestions for making the Commission an even more constructive forum. First, given that the Commission was not a court where sentence could be pronounced on individual countries, or a forum allowing members unilaterally to deplore or condemn particular practices, there was a need to adopt more effective and realistic approaches in assessing the real situation of human rights in a particular country. Secondly, to ensure the Commission's credibility, it was essential that countries receiving a Special Rapporteur or Special Representative should fully co-operate with him. And thirdly, in order to avert hasty conclusions, it was vital that reports and other documentation should be made available well in advance of discussions.

13. Mrs. Quisumbing (Philippines) resumed the Chair.

14. Mr. CASTRIOTO DE AZAMBUJA (Brazil) observed that there had been positive developments in civil and political rights in a great number of countries since the previous session of the Commission. One example had been the presidential election held in Brazil in December, the first in his country for almost a quarter of a century. In Latin America, as in the rest of the world, the last remnants of authoritarianism and arbitrary rule were being decisively swept away by freely elected Governments. Unfortunately, there had not been too many developments with respect to economic, social and cultural rights. Although important steps were being taken by some nations, the unequal international flows of trade, the spreading of neo-protectionism and the unjust burden of external financial obligations were hindering the implementation of that category of rights in developing countries. Political coercion was being replaced by economic constraints and the conquest of freedom would be of little avail to those who were too poor to make use of

it. His delegation agreed with Mr. Martenson, Under-Secretary-General for Human Rights, that the international community should strive to implement a "universal human rights culture" but, at the same time, it should be borne in mind that all human rights were equally important and inseparable.

15. His Government attached great importance to all instruments and mechanisms instituted by the Commission and was convinced that open discussion of agenda item 12 was of paramount importance in the common struggle for the full implementation of human rights. Nevertheless, no document or mechanism would in itself yield major results if urgent and firm action was not taken by the international community to eliminate the structural economic imbalances that were impairing the realization of so many rights.

16. Turning to the human rights situation in Chile, his delegation welcomed the news of the peaceful and successful outcome of the elections in December. It acknowledged the Special Rpporteur's suggestion in paragraph 27 of his report that the institution of a Special Rapporteur should be replaced by a new and specific form of international collaboration to be formulated by the United Nations, with the aim of promoting human rights in Chile.

17. The co-operation extended by the authorities in El Salvador to the Commission and the holding of presidential elections in March 1989 deserved mention. However, there was an urgent need for all parties involved in the virtual civil war to resume negotiations in order to find a peaceful solution and rebuild that long-suffering country.

18. The report on Afghanistan (E/CN.4/1990/25) indicated that, despite the withdrawal of foreign troops, the situation in that country had not significantly improved. In order to end the armed conflict, it was vital that all parties should accept unconditional dialogue, since only a political solution to the conflict would ensure full respect for human rights. His delegation strongly recommended that international measures should be taken in order to create the social, political and economic conditions which would allow the return of the millions of refugees to Afghanistan.

19. In spite of recent events in Romania, the report by the Special Rapporteur on the very serious situation prevailing before the overthrow of the Ceausescu régime suggested that that situation would remain a matter of concern.

20. While acknowledging the gesture made by the Iranian Government in inviting the Special Representative to visit that country, his delegation could not make any substantive comment until it had had time to examine the Special Representative's report, which had only just been circulated.

21. In connection with the report on summary or arbitrary executions (E/CN.4/1990/22), his delegation would seek further information from the Brazilian authorities on certain alleged incidents and would continue to pursue a candid and constructive dialogue with the Special Rapporteur in order to shed light on each reported situation.

22. The co-operation of Governments with the United Nations and the international community was an essential factor in promoting human rights. Consequently, his delegation hoped that there would be an appropriate flow of information on the situation in East Timor. It was high time that the

Commission devised means of strengthening its capacity to respond more effectively to the situations with which it was confronted. His delegation believed that, in order to improve the Commission's effectiveness, separate meetings should be held (a) for delegations and non-governmental organizations to address any situation which, in their view, revealed violations of human rights and fundamental freedoms, and (b) for the discussion of situations and reports on which member States were supposed to speak.

23. Ms. SINEGIORGIS (Ethiopia) said that, of all United Nations bodies, the Commission was intended to be one of the least political. It followed, therefore, that objectivity and scrupulous commitment to facts should be the guiding principle behind any accusations brought before the Commission. States should endeavour to minimize political and strategic considerations in order to help forge international consensus with a view to combating violations of human rights, wherever they might occur. Given that approach, non-State participants in the work of the Commission were expected to be non-partisan, non-political and totally committed to no other consideration than respect for human rights; the obligation was even greater for such participants to refrain from distortion, prejudice and partiality. While constructive criticism was important, the deliberate use of the Commission for propaganda purposes, if not immediately combatted, would sooner or later affect the Commission's credibility and render its task even more complicated.

24. With regard to her own country, some so-called non-governmental organizations had brought before the Commission and the Sub-Commission extraneous issues that did not fall within the scope of those bodies. Those organizations delivered statements prepared for them by secessionists and, in breach of their responsibility, included well-known members of secessionist groups in their delegations. Such actions were not only irresponsible, but also a flagrant abuse of their consultative status with the Economic and Social Council.

25. Her delegation was even more dismayed by the encouragement given by some organizations to those who had clearly wrecked the peace process in her country. Although the issue was unequivocally outside the Commission's mandate, she wished to state that her Government had always attached the highest priority to solving the problems in its northern administrative region peacefully, as had been demonstrated by the launching on 5 June 1989 of a new peace initiative without any pre-conditions. On that basis, two rounds of negotiations on procedural matters had been held with one of the secessionist groups from the autonomous region of Eritrea. However, the secessionist group was refusing, under various pretexts, to agree on a date for the commencement of substantive talks. For roughly one year, there had been what could broadly be described as a de facto cease-fire in the northern autonomous regions of Ethiopia, but that had been shattered by an offensive launched by the secessionists on 8 February 1990 on the only major road used to transport food supplies to those in need in Eritrea and Tigre. The other dissident group refused to allow the transport of relief supplies into Tigre, by church-based organizations which had been authorized to distribute aid under the joint relief partnership agreement concluded on 18 January 1990. Her Government therefore expected the international community to condemn those warmongers, who were so insensitive to human suffering.

26. As an example of the insensitivity and inhumanity of one of the secessionist groups, she drew attention to an article of 13 January 1990 in the Swedish daily, Svenska Dagbladet, based on an interview conducted with refugees from Eritrea, describing the forced conscription at gunpoint of women and children by the secessionist group and the murder of those who resisted. The reporter was far from generous to the Government of Ethiopia, but his objectivity was a lesson to those reporters on whom the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Centre Europe - Tiers Monde and the World Confederation of Labour relied for their information.

27. She hoped that the Commission would take steps to stop certain NGOs from pursuing their politically-motivated campaigns under the guise of human rights. Representatives of those organizations had dared to accuse her Government of an "obstructionist attitude", instead of encouraging all those involved in the peace negotiations to solve the problem by peaceful means. Their real intention was to vilify the Ethiopian Government and to prolong the war. It was paradoxical that her Government was expected to accept without complaint the undignified and vile language and abuse of NGOs such as Centre Europe - Tiers Monde, EAFORD and the World Conferation of Labour, while the NGOs were treated as "sacred cows". By supporting the armed banditry of secessionists who had wrecked the peace process and the Government's efforts to provide food for over 3 million people in northern Ethiopia, those organizations were as much to blame as the secessionists themselves.

28. The previous day, EAFORD had read out a statement, purportedly on behalf of 25 other NGOs. However, some of those organizations had later approached her delegation to say that they had not supported the statement at all. She hoped that the organizations whose trust EAFORD had abused would make their views known in public instead of voicing their criticisms in private. Her delegation would continue to tell the truth about organizations which served the interests of secessionist groups, while masquerading as genuine NGOs committed to respect for human rights.

29. Mr. CHEN Shiqiu (China) said that the Chinese Government and people had always been deeply concerned about the question of Cyprus and had consistently stated that the independence, sovereignty, territorial integrity and non-aligned status of the island should be respected. His country appreciated the positive efforts made by the United Nations to resolve the Cyprus issue, including the dispatch of the United Nations Peace-Keeping Force in Cyprus (UNFICYP). It hoped that all the parties concerned would work towards a fair and reasonable solution to the Cyprus issue, including the problems of disappearances and refugees.

30. The second matter on which he wished to speak was the interference by certain countries in other countries' internal affairs. There had been a regrettable tendency in the Commission, and in the United Nations as a whole, to use concern for human rights as a pretext for infringing the sovereignty of other countries. Some Western countries had claimed that the accusations they had made against China after the events of June 1989 had been prompted by real concern and not by political motives; that was clearly not true, since certain Western political forces and the mass media had been actively involved in the rebellion, inciting the rebels to action, providing material and financial assistance (including large amounts of cash in United States and Hong Kong dollars) and advice, and procuring visas to enable the rebels to leave China

after the rebellion. Such action could only be interpreted as interference in China's internal affairs. After the rebellion, the same countries had threatened China with political pressure and economic sanctions, and had broken off political contacts with his Government. They had supported the plotters and enabled them to carry on working against China in other countries.

31. It was a respected principle of the United Nations that States should not interfere in one another's internal and diplomatic affairs and that they should not give their support to any action to overthrow or subvert the Government of another sovereign State. The Western countries concerned had violated that principle, claiming that China had suppressed peaceful calls for democracy. China had already refuted those allegations at a previous meeting: the Government had acted to suppress a rebellion by violent terrorists who were attempting to destroy the political system - action which the West had chosen to misinterpret as "peaceful demonstrations". Measures taken by the Government of a sovereign State to suppress internal unrest were a purely domestic matter, and no other State was entitled to interfere.

32. Mr. VILLARROEL (Philippines) said that he wished to reply to some of the specific points about the Philippines raised by Mr. Wako, Special Rapporteur on summary or arbitrary executions, in his report (E/CN.4/1990/22 and Corr.1). Paragraphs 334 and 335 of the report referred to an alleged "hit list", in which threats were made against the lives of 25 persons, including priests, broadcasters and labour leaders. When the names of those persons had been brought to the attention of the Secretary of National Defence, they had been given protection by the military athorities, and to date none of them had been harmed in any way.

33. Paragraphs 336-338 referred to alleged cases of summary executions by the armed forces or by unidentified armed men. In the first case, mentioned in paragraph 337 (a), the killers of Reverend Visminda Gran and her husband had also stolen several items from the house and it was therefore not clear whether the case was a political one at all. Paragraph 337 (b) referred to the "Paombang massacre" of 28 April 1989. An independent committee had been set up to investigate the case, and had concluded that the killings had resulted from an encounter between government and rebel forces and that, accordingly, the military personnel involved did not bear any criminal responsibility.

34. Paragraph 337 (c) referred to the killing on 6 April 1989 of a local councillor, Rufino Rivera, and a curate, Fr. Dionisio Malalay. They had been killed by a policeman and a civilian who had both been drunk. The policeman had since been discharged from his post, and both men were now on trial for murder.

35. Paragraph 337 (d) referred to the killing of Oscar Tonog, vice-president of the Integrated Bar of the Philippines, on 21 March 1989. The Philippine Commission on Human Rights and the Philippine National Bureau of Investigation had both dealt with the case, and a suspected killer had been identified; he would be arrested as soon as he came out of hiding. The Philippine Commission on Human Rights had granted Tonog's widow 10,000 pesos under the Government's programme to assist the victims of human rights violations and their families.

36. Paragraph 337 (f) referred to the killing of Pedro Pagao and three members of his family on 18 February 1989. According to the military personnel involved, the victims had been caught in crossfire during a clash between military and rebel forces. The Philippine Commission on Human Rights had ordered a post-mortem examination of the bodies, but so far there had been no eyewitness statements or other evidence to contest the military's version of events.

37. Paragraph 337 (h) referred to the shooting of Eduardo Lazona, a trade union secretary, on 15 February 1989. An investigation by the Philippine Commission on Human Rights had shown that Lazona, encountering a number of military personnel near a friend's house, had drawn his pistol and run towards a sugar cane field as if trying to evade capture. He had then been shot, although it was not clear whether the soldiers had fired warning shots first.

38. Paragraph 337 (j) referred to the shooting of Saberiano Borres, a church layworker, on 3 February 1989. An investigation by the Philippine Commission on Human Rights had shown that one of the alleged killers had already been charged with murder, and two others were being sought by the authorities. The same persons were thought to be responsible for the killing of George Bahian on 30 December 1988, described in paragraph 337 (n) of the report.

39. Paragraph 337 (r) referred to the death of Serapio Cogollodo and five members of his family on 20 November 1988. According to the investigation by the Philippine Commission on Human Rights, the family had been killed by a bomb explosion in their house. Local people had thought that the explosion had been caused by a shell fired by a local military detachment, but that view could not be confirmed; it was, therefore, difficult to attribute responsibility.

40. The cases referred to in paragraphs 337 (e), (g), (i), (k), (m), (s) and (t) either had not been reported to the Philippine Commission on Human Rights or had not yet yielded substantive results. In many cases, reports on the progress of the investigation might reveal information which would jeopardize the chances of elucidation.

41. Paragraph 339 of the report referred to alleged death threats received by a number of lawyers and by about 720 people in the diocese of Bacolod. The 720 people had been evacuated from the rural areas of Negros Occidental during military operations against the rebels. They had been housed, fed and given medical attention by the Government, and had since been able to return to their homes unharmed.

42. Paragraph 341 of the report referred to several alleged killings. The deaths of Guarina Celso and a woman companion on 13 July 1989 were being investigated by the Philippine Commission on Human Rights. Witnesses had claimed that the women were not dead at all since their bodies had not been found. The hearing was still in progress. The killing of Winifredo Oton, a church leader, on 15 July 1989 remained a mystery. Human rights groups had alleged that the military authorities were involved, but Oton himself had acted as a guide during a mission to investigate the massacre of 39 members of a religious sect by the rebel New People's Army; consequently, the New People's Army had had more reason to kill Oton than did the military authorities.

43. The cases referred to in paragraphs 341 (a)-(d), (i) and (k)-(m) had either not been reported to the Philippine Commission on Human Rights or were still under investigation. Paragraph 341 (d) referred to the deaths of 17 unidentified peasants in a period of 31 days in the Hinobaan and Sipalay region, which covered several hundred square kilometres of mountains and valleys. That lack of detail was typical of the vague and arbitrary allegations which human rights groups had been making to the United Nations in an attempt to paint a gloomy picture of the human rights situation in the Philippines. His Government was willing to accept responsibility in cases where responsibility had clearly been established, but it would reject any allegations based on suspicion, unfounded rumour and reckless extrapolation. It would continue to investigate alleged human rights violations, give suspects a fair trial and punish the guilty to the fullest extent of the law. It had responded to the communications about alleged killings and other human rights violations, as the Special Rapporteur had acknowledged when introducing his report.

44. Mrs. BIHI (Somalia) said that there had been enormous achievements in the fields of human rights and decolonization in recent decades. More than two thirds of the the present Members of the United Nations had been colonial or dependent territories when the Organization had come into being. However, many of the political, social and economic problems facing developing countries, as well as internal and regional conflicts, could be traced back to the colonial era and its inhuman legacies of racism, slavery and apartheid. Nor had all countries achieved freedom and self-determination: the apartheid system in South Africa, the Zionist occupation of Palestine and other Arab territories, Viet Nam's occupation of Cambodia, and the situations in Afghanistan and Lebanon all constituted flagrant violations of the basic rights and fundamental freedoms of the people of those countries.

45. A few days before, the observer for Ireland had referred to the recent encouraging changes in Europe. But, if Europe was only just beginning to recover from the effects of the Second World War after more than 40 years, how long would it take for the developing world to recover from the tragic consequences of colonialism? The West should reflect on its own role in the colonial era before pointing an accusing finger at the victims of its own expansionism and imperialism. The European Community States - for which the observer for Ireland had spoken - claimed that their position on human rights issues was dictated by a purely humanitarian concern but in fact their remarks were prompted by political, economic and even religious considerations. No one believed that human rights violations took place only in the relatively small number of countries - all developing countries - considered during the Commission's debate. Moreover, some of those countries were treated more favourably than others. The developing countries could not accept such blatant manipulation of the sensitive issues of human rights, and of the noble objectives of the United Nations.

46. Her delegation had noted that the situation in some countries, which were supposed to be discussed under the confidential procedure laid down in Economic and Social Council resolution 1503 (XLVIII), had also been discussed at public meetings. Some members of the Commission and some NGOs had made specific allegations about the human rights situation in her own country. Her delegation would like to make it clear that Somalia had submitted full and

well-documented replies under the confidential procedure to all the communications transmitted by the Centre for Human Rights; she would not, therefore, repeat the details.

47. It was only in the past year that allegations about the human rights situation in Somalia had been brought before the Commission. They were mainly based on claims by terrorist and separatist groups which had waged a relentless war against the unity of the people and the territorial integrity of the country. Unfriendly outside forces had supported the activities of the terrorist groups, particularly in the northern part of the country, which had been a colony of the United Kingdom until 1960. The situation was also aggravated by the fragile economy, natural disasters and the presence of more than 1 million refugees. The major terrorist group, the Somali National Movement (SNM), had committed unparallelled acts of terrorism against the Somali people and the refugee population, including assassination, hijacking of aircraft, armed attacks on towns, the massacre of thousands of innocent civilians and sabotage of public facilities. Her Government considered that, just as an individual was entitled to protection against violation of his or her rights, a State was entitled to defend itself against the violent acts of extremist groups. It did not deny the democratic right of an individual or group to oppose the system of government, but there could be no justification for terrorism, banditry, killing and destruction.

48. In the past two years, the Government had introduced many reforms, including a general amnesty for crimes against the State; it had established a committee to investigate human rights violations, allowed Amnesty International to visit Somalia, and ratified all the human rights conventions and covenants, including the two additional protocols to the Geneva Conventions of 12 August 1949. Politically-motivated accusations and distortions of fact were extremely damaging to any State, undermining its political and economic stability and tarnishing the honour of its people. Governments and NGOs should not lend credibility to the crimes and disinformation of extremist groups. Her Government had amply demonstrated its concern for human rights by reforming its legislation, inviting human rights organizations to visit Somalia and co-operating fully with the Commission.

49. Ms. Sinegiorgis (Ethiopia) took the Chair.

50. Mr. NASTASE (Observer for Romania) said that international protection for human rights was currently an important instrument in the process of democratization of societies; his Government was sincerely committed to international co-operation in that sphere. The Romanian revolution had been the result of a genuine national consensus, and in the two months since it had occurred pluralist and democratic structures comprising political parties, free trade unions and professional associations had been established.

51. From the very outset, the new Romanian authorities had declared their desire for frank co-operation with the Commission based on equality and mutual respect. For perhaps the first time a Government which had emerged from a revolution had agreed to co-operate with the Special Rapporteur appointed to consider a situation which had existed before it had come to power and which had undergone a fundamental change. It had even proposed that the mandate of the Special Rapporteur should be extended for one year. Although all fundamental freedoms had been restored de jure, there were still huge de facto problems attributable to the enormous economic and social difficulties and the

fragility of the new political structures. The Government's proposal to extend the mandate of the Special Rapporteur was a confirmation of its goodwill and desire to participate in international co-operation in the area of human rights, rather than a sign of vulnerability. The real "rapporteur" in Romania was the Romanian people itself. In that spirit, Mr. Iliesco, the President of the Provisional Council, had stated that Romania was prepared to accept a group of United Nations and other observers to monitor the elections to be held in Romania on 20 May 1990.

52. The will of the Romanian Government to co-operate sincerely with the United Nations had been reflected in its constructive attitude to the mission of Mr. Voyame, the Special Rapporteur, and in its willingness to co-operate with IOM, UNESCO, and other specialized agencies, and non-governmental organizations such as Amnesty International.

53. In recent months the major fundamental freedoms, such as freedom of thought, conscience, religion, opinion and expression, had been restored in Romania, and the large number of media were operating freely. The necessary guarantees had been instituted for civil and political liberties, in particular the right to life, the right to security of person, trade-union rights and the right to education. The death penalty had been abolished, freedom of movement had been restored, and a number of other laws restricting freedom of expression had been repealed. Decrees had been adopted authorizing political parties, NGOs and free trade unions. All religious sects were henceforth authorized, with the exception of any that might threaten public order, health or morals.

54. The nascent political dialogue in Romania bore witness to the existence of an awareness of the country's fundamental interests, over and above divergent political opinions. Following a round-table held on 1 February 1990, representatives of the political parties had agreed with the Council of the National Salvation Front to establish a Provisional Council of National Unity, with legislative powers, which ensured representation of the various social strata, national minorities and regions. The Provisional Council had set up a number of commissions, including a constitutional and human rights commission, and a commission to consider and settle grievances of victims of the dictatorship.

55. The emerging democracy in Romania had established equal rights for all citizens and was concerned to guarantee the rights of members of the national minorities, while endeavouring to construct a modern society based on the human potential of the whole nation. It was important for the spirit of solidarity that had emerged in the revolution to be reflected in socio-economic and political structures capable of guaranteeing genuine equality; it should not be jeopardized by any form of nationalism. The revolution had set Romania back on the path of contemporary history, and had restored its links with the Europe of fundamental values and great designs. It was, however, necessary to guard against any future manipulation of Romania's deep-rooted problems. It was inconceivable that the efforts of all the social and ethnic forces that had taken part in the revolution should lead to the emergence of virtual religious or linguistic protectorates that might be interpreted by the Romanian people as reflecting a lack of confidence in

its revolution and an affront to its dignity. As the Petro Roman, Romanian Prime Minister, had said, "after having successfully carried out its revolution, Romanian society was now successfully putting democracy into practice".

56. One of the objectives of the revolution had been to eliminate all forms of inequality and violations of law, including those affecting minorities. In order to do so, Romania was endeavouring to make use of the experience and practice of European and other States. It was doing so through a responsible dialogue involving all parties. The rate of change in Europe was frequently too rapid for analysts to follow. In addition to the de facto revolt against law and institutions, there were discrepancies and perhaps even contradictions between different processes. The concept of a united Europe, with open frontiers, was perhaps irreconcilable with the priority given to establishing the legal status of national minorities.

57. It was an important and far from easy task for Romania to transform human rights into instruments for genuine participation in political life. In the sphere of foreign policy, human rights had been reincorporated into Romania's international activities, and the rigid and obstructive attitudes adopted in the past, for example, with regard to the Concluding Document of the Vienna Meeting of 1986, had been rectified. Romania was examining the possibility of ratifying other international human rights instruments, and was aware that a more open foreign policy, simultaneously based on national interests and the universal values of mankind, required broader integration of humanitarian issues within Romania's international initiatives.

58. Mr. Ditchev (Bulgaria) took the Chair.

59. Mr. VIGNY (Observer for Switzerland) said that the absence from among the reports on human rights situations before the Commission under agenda item 12 of reports on other States guilty of serious human rights violations indicated that too many members of the Commission adopted a political approach rather than a sincere commitment to human rights issues. One means of halting that selective approach would be the adoption of a secret ballot, as suggested by Switzerland in 1989, which would allow members to vote without fear of pressure or reprisal from the States concerned.

60. The human rights situation was rightly under review by a special rapporteur in five countries throughout the world, one in Europe, two in Asia and two in Latin America. Romania's invitation to the Special Rapporteur to visit the country and its agreement to a one-year extension of his mandate reflected the satisfactory developments in the human rights sphere in central and eastern Europe. The positive attitude shown by the Romanian authorities indicated that they had understood that the Commission and the Special Rapporteur were there to help them to return to democracy, to the rule of law and to respect for human rights. Their acceptance of that fact did not constitute a defeat, but rather a political victory for Romania, and showed by example that the political issue at stake was not for States to endeavour to save face and to cry victory after having avoided the scrutiny of a Special Rapporteur, but to accept and closely co-operate with him in order to enhance the enjoyment of human rights. Such co-operation should create the basic conditions for a free, fair and harmonious society to be established.

61. In December 1989, the representative of a State member of the Commission had opposed discussion of the situation in his country on the grounds that it was a purely internal matter, and had described Sub-Commission resolution 1989/5 as blatant interference in domestic affairs. In that connection, it should be recalled that, pursuant to the two International Covenants on Human Rights, observance of the rights covered by them was an essential factor in the peace, justice and welfare necessary to ensure the development of friendly relations and co-operation among all States. On no account could an inadequate level of development be advanced as justification for infringements of fundamental rights such as torture or arbitrary executions. While it was true that human rights only acquired their full meaning if the population of a country was able to meet its essential needs, that did not mean that development assistance should be exclusively aimed at satisfying those needs. It should also strive gradually to establish conditions in which everyone could exercise his human rights, whether economic, social, cultural, civil or political. Enjoyment of civil and political rights would be greatly enhanced if all States accepted their responsibilities in full, both in peacetime and in war, and in particular complied with the 1949 Geneva Conventions and the 1977 Additional Protocols, which complemented the International Covenants in times of armed conflict.

62. Human Rights were at a critical juncture in a number of States that currently received United Nations advisory services in the field of human rights. The provision of such services might complement, but should never replace, the efforts made by the Commission under agenda item 12 to end human rights violations throughout the world. The Commission should adopt a twofold approach to the problem by making use of the well-tried method of appointing a Special Rapporteur on countries, and at the same time allowing those countries, if they so wished, to avail themselves of advisory services.

63. Torture, enforced or involuntary disappearances and summary or arbitrary executions constituted the trilogy of the most serious human rights violations, as they were in breach of rights from which the International Covenant on Civil and Political Rights allowed no derogation whatever, in particular, that most sacred right - the right to life. In his eighth report, the Special Rapporteur on summary or arbitrary executions had revealed that, since the beginning of his mandate, the number of communications concerning allegations of summary or arbitrary executions had increased each year and had numbered 1,500 in 1989. In view of those figures, the Commission should be urged to renew Mr. Wako's mandate for a further two years; Switzerland would co-sponsor the appropriate resolution to be submitted in due course by Sweden.

64. It was deeply shocking to note that, in response to most of the appeals by the Special Rapporteur, the authorities concerned had neither opened an inquiry nor adopted effective measures to protect persons who had received death threats, in particular human rights activists. Even worse was the fact that in many cases, Governments were themselves implicated in summary and arbitrary executions, either directly or indirectly. In all those cases, their international responsibility was involved, as such practices were in blatant violation of international standards, and in particular of the principles on the effective prevention and investigation of arbitrary and summary executions, including extra-legal executions, adopted by the Economic and Social Council in May 1989. Although not compulsory, those 20 principles

provided a universal frame of reference which the Special Rapporteur could apply to summary or arbitrary executions and also constituted valuable guidelines to help States prevent, prosecute and punish such acts.

65. Lastly, he expressed concern at the situation of persons in certain countries who were threatened or even prosecuted for having struggled to secure respect for their own rights or the rights of others, in particular persons victimized for having contacted a special rapporteur or representative of the Commission. He reminded the Commission of the suffering of persons held hostage, in particular the two Swiss ICRC delegates kidnapped in Lebanon, and expressed the hope that the Commission's repeated appeals for their release would be heeded.

66. Mr. WALKER (Observer for Australia) said that the past year had been marked by major advances in some regions and disturbing setbacks in others. The forthcoming installation of a democratically-elected Government in Chile was a major step forward, although the Government would face heavy responsibilities in overcoming the legacy of past human rights violations. The Commission should offer it assistance as an indication of the goodwill of the international community. In Romania, it would be particularly difficult to entrench human rights in a new political system, and he applauded the willingness of the Romanian authorities to co-operate with the Commission in overcoming problems during the transitional phase.

67. The global wave of change emphasized several important truths including the universal nature of the aspiration to human rights, and the need to be sceptical of arguments advanced by Governments which sought to repress the human rights of their own citizens. If human rights were to be secure and human beings were to have a lasting basis on which to live full and secure lives, it was necessary to guarantee, in addition to the popular election of governmental leaders, freedom from external threat and internal instability, an economic base which could provide security from want, the development of and respect for law, and a culture of tolerance and moderation.

68. The Commission, the Centre for Human Rights and the United Nations as a whole had an important role to play in encouraging Governments to give high priority to human rights. It was important to recognize that human rights violations could take place in any country and the Commission had a legitimate role in drawing attention to them wherever they occurred.

69. Australia strongly condemned the massacre of students and civilians by the Chinese army on 4 June 1989. It remained convinced that such a brutal and excessive use of force had been unjustified, and had made known to the Chinese authorities its concern that universally-accepted standards of human rights should be observed. It was also concerned about disturbing reports on the human rights situation in Tibet.

70. A political solution still seemed remote in Afghanistan where, according to the Special Rapporteur's report, human rights abuses were continuing. Similarly, the people of Cambodia continued to suffer from the lack of a solution to their country's political problems. Australia's fundamental concern was that the Cambodian people should finally be able to enjoy their human rights. It was necessary to achieve a verified end to the Vietnamese military occupation and to take into consideration widespread international concern about any return to power by the Khmer Rouge.

71. As the intifadah entered its third year, his Government remained gravely concerned at the continued violence perpetrated by both sides. While it acknowledged Israel's immense continuing security problems and deplored terrorist acts against Israeli citizens, it had also long been concerned about the use of excessive force against Palestinian civilians and had made its views known directly to the Israeli Government. Australia remained convinced that to ensure the safety and protection of the civilian population in the occupied territories, Israel must accept the de jure applicability of the Fourth Geneva Convention and refrain from measures which violated it.

72. It was disappointing that the new commitment to human rights in Central and Eastern Europe had not so far been endorsed by the Government of Albania. In Cuba too, disturbing reports of significant abuses continued to emerge, in particular of retaliatory action against human rights activists who had presented their views to the mission which had visited Cuba in September 1988 in accordance with a resolution by the Commission.

73. Although his Government believed that serious abuses of human rights continued to occur in Iran, it was encouraged by signs of some improvements, and by the acceptance by the Iranian Government of the importance of co-operation with the Commission's Special Representative. It was, however, disturbed at reports of restrictions on access to the Special Representative; free access to United Nations missions was a fundamental principle which should be observed by all.

74. In Iraq, despite the extensive, systematic and occasionally horrifying abuses of human rights, there were indications of a new willingness to co-operate with the United Nations; the statement made under the current agenda item by the delegation of Iraq was a constructive step. Australia hoped that arrangements for members of the Sub-Commission to visit Iraq would soon be made and that their visit would mark the beginning of a movement towards better observance of the human rights standards to which Iraq should be committed as a party to the International Covenants.

75. There had been continuing reports of human rights violations in Myanmar, including mass detentions without trial, house arrest of opposition leaders, torture of opponents of the Government and forced labour for military purposes. Australia welcomed the announcement that multi-party elections would be held in May 1990, although it was sceptical about the claim that they would be free and fair, in view of the measures taken by the Myanmar Government to suppress political dissent. It hoped that restrictions on political activity would be lifted before the date of the elections, and urged the authorities to review their decision to disqualify Aung San Sun Kyi, the leader of the National League for Democracy, from participating in the election.

76. The difficulty of entrenching human rights observance was reflected by the distressing persistence of serious human rights violations in countries with elected Governments and open societies. Responsibility for such abuses was often shared between government security authorities and armed rebels.

77. The human rights situation in Guatemala continued to be of great concern. Stronger action by the Government was necessary to prosecute those responsible and to protect the human rights of the people of Guatemala.

78. El Salvador also provided a disturbing record of serious abuses committed by all parties. Despite its continued inability to bring those guilty to justice, the Government of El Salvador had pledged itself to work for human rights and had taken a praiseworthy decision to prosecute for the murder of the Jesuit priests in November. His Government believed that a political solution to the conflict was the pre-condition for improving the human rights situation, and urged all sides to show the utmost restraint and to accept the need for dialogue.

79. Peru, together with Sri Lanka, East Timor and Papua New Guinea in Australia's own Asia and Pacific region, were countries in which there had been a sharp escalation of violence and the civilian population continued to suffer from human rights violations attributable to ethnic and political conflict. Assessment of the causes of those violations could in no way excuse them, and rigorous efforts were necessary to bring offenders to justice, and to prevent abuses through more effective procedures and better education, if necessary with assistance from the advisory services programme.

80. In Australia itself, the Government had continued to address the disadvantages affecting aboriginal and Torres Strait Islander people, and a Royal Commission had recently delivered its interim report on aboriginal deaths in custody. An Aboriginal and Torres Strait Islander Commission was due to be established in March 1990. By that means the people concerned would have a voice from the local to the national level.

81. Mr. HUSLID (Observer for Norway) said that the present session of the Commission was being held at a crucial moment in history, when profound and apparently irreversible changes in several countries were creating a new positive climate in which human rights could develop and prosper. His delegation hoped that increased recognition of human rights in Central and Eastern Europe would have a positive impact on international relations and inspire further advancement towards the universal enjoyment of human rights. It was confident that the Commission would benefit from the prevailing international climate to make further improvements in the work of the United Nations in the field of human rights. Further continuation of the Commission's role in bringing about improvements in human rights would depend on the ability and willingness of member States to strengthen the Commission's standard-setting activities and its fact-finding and other special procedures. Norway actively supported the Commission's twofold approach, namely making use of rapporteurs, and providing technical assistance and advisory services.

82. The reports to the Commission regrettably showed that torture, involuntary disappearances and summary or arbitrary executions were widespread and even increasing. He urged countries whose Governments consistently refused to provide information on such abuses to examine the specific recommendations of the rapporteurs concerned and of the Working Group on Enforced or Involuntary Disappearances, with a view to eradicating such practices. There was a clear need for Governments to undertake speedy and impartial investigation and follow-up on specific cases. Another cause for concern was the reported increase in death threats and intimidation against defenders of human rights. His delegation urged Governments to take steps to protect such persons and welcomed the progress made by the Commission's Working Group on the draft declaration on the rights and responsibilities of groups and individuals.

83. Promotion of human rights was an integral part of the overall objective of the United Nations to prevent conflicts and secure the basis for peaceful solutions when conflicts arose. Realization of human rights was not only significant for national development and prosperity, but was also an important confidence-building measure. A wide spectrum of problems that could lead to political unrest and demands for social and economic justice and broader popular participation should therefore be addressed with a view to fostering human rights all over the world.

84. Since the previous session of the Commission, an unprecedented historic movement towards democracy had taken place in Central and Eastern Europe, marked by a willingness to engage in self-examination and openness. It was to be hoped that that process would continue unabated.

85. Elsewhere in the world, the situation in Cambodia continued to give rise to deep concern. Efforts to reach a just political solution based on the right to self-determination and full respect for human rights should be accelerated. The international community had a responsibility to ensure that the brutal policies and practices of Pol Pot and the Khmer Rouge would never recur. Norway welcomed the efforts made to reach a solution and had set aside funds to support an international voluntary fund to facilitate preparatory operations by the United Nations.

86. The continuing bitter civil strife in Sri Lanka, which had eroded the Government's authority and led to continued widespread abuses of fundamental human rights, also gave rise to grave concern. However, Norway welcomed the invitation extended by the Government of Sri Lanka to the Working Group on Enforced or Involuntary Disappearances. Norway also continued to be concerned at the situation in China and Myanmar, and appealed to the Governments concerned to tolerate and respect freedom of expression and the right of peaceful assembly.

87. Norway welcomed the positive steps taken by the Government of South Africa in releasing Nelson Mandela and other political prisoners and lifting the ban on political organizations. Although it hoped that those moves would create a political climate conducive to negotiations, international pressure on the South African authorities should be maintained until a democratic and non-racial Government had been established.

88. The internal conflicts in northern Ethiopia continued to cause great concern. Norway strongly appealed to the Eritrean People's Liberation Front and the Ethiopian Government to pursue their current talks constructively with a view to reaching a peaceful settlement. It hoped that present contacts between the Tigrean People's Liberation Front and the Ethiopian Government would be further developed. Norway also appealed for urgent steps to be taken to allow humanitarian aid to reach the hunger-stricken population in the north.

89. In the case of the Sudan, Norway appealed to its authorities to release all political prisoners. In view of the continued serious violations of human rights in Somalia, it appealed to the Government to respond to the requests for information by the Special Rapporteur on summary or arbitrary executions and to put an end to such practices.

90. His Government was concerned about the human rights situation in the occupied West Bank and Gaza Strip, especially as it affected children and young people. However, while deeply regretting such practices as travel bans, deportations and illegal settlement policies, as well as terrorist attacks against innocent Israeli citizens, he stressed that positive opportunities did exist for a comprehensive and just solution and urged Israel and the Palestinians to exploit them.

91. His Government was deeply concerned about reports of continued violations of human rights in Iraq, including the situation of the Kurdish population there; further international fact-finding and monitoring were required. In view of international concern about the human rights situation in Iran, Norway agreed with the Special Representative's conclusion that the Commission should continue to monitor the human rights situation there.

92. In Chile, the elections of the previous December marked the beginning of a new era in that country. His delegation wished the new Government every success in its endeavours to secure a democratic future for the Chilean people. The human rights situation in Central America continued to be a matter of grave concern. His delegation hoped that the ongoing peace process would succeed and remove the serious threats and breaches of human rights in the region, notably in El Salvador and Guatemala.

93. The activities of the Commission should be supplemented by further efforts by the international community to assist countries in establishing a viable basis for the rule of law and democratic institutions, and enjoyment of human rights. The advisory services programme and the voluntary fund for that programme could play an innovative and catalytic role in such work, which should not, however, be limited to the Centre for Human Rights alone. Inter-agency contact should be increased, particularly with regard to the formulation of an International Development Strategy for the Fourth Development Decade. Norway would like to see such matters dealt with in depth by the Commission and was prepared to participate with all interested delegations in a broader dialogue. In the last analysis qustions and problems relating to the right to development often hinged on that most fundamental of human rights, the right to life.

94. Mr. EL SAYED (Observer for the Sudan) said that in an earlier statement his country had reaffirmed its determination to respect the principles of justice and equality without distinction as to colour, religion or culture. The Sudan was a signatory of the United Nations Charter, the Universal Declaration of Human Rights and the two International Covenants on Human Rights. It had also ratified regional African instruments relating, inter alia, to the rights of individuals and peoples and the protection of refugees. However, the mere signature of international instruments fostering social, economic and moral progress did not guarantee their implementation. Adequate legal and administrative machinery and a positive commitment on the part of the authorities were necessary to achieve that goal. Co-operation and objective dialogue among all parties were also needed, free of self-seeking and receptive to constructive criticism. For that reason, the Commission should in its deliberations give priority to human considerations and avoid politicization.

95. The far-reaching changes at present taking place in the world resulted from the mutual impact between the aspirations of peoples and their economic situations, which in many cases fell far below those aspirations. That laid a great responsibility on the richer countries, and more particularly those that had practised colonialism, since it was absurd to speak of human rights and the right to life when many people, young and old, were afflicted by natural disasters, war and poverty and when enormous resources were being expended on the arms race and other technological goals that might lead to the destruction of civilization.

96. It was the firm conviction of his delegation that the purpose of the Commission was to foster the adoption of humanitarian values by world opinion and thus pave the way for the embodiment of those values in national legislation and practice. It was preferable for such mechanisms to be established from within rather than imposed from without; the imposition of controls, however well-meaning, was not acceptable to any people. The values enshrined in the International Covenants lay at the heart of Sudanese society and were the foundation of its laws.

97. Confrontation and rhetorical gestures could not replace dialogue and genuine co-operation in laying the groundwork for human rights. Although credit was due to the pioneering and indispensable role of NGOs with respect to human rights, such organizations ought to review and adapt their roles. That was in no way an attempt to restrict their freedom, but an effort to enable them to act more positively, more flexibly and independently in working to eliminate the underlying causes of repeated violations of human rights.

98. Mr. DUNA (Observer for Turkey) said the world was witnessing profound changes which confirmed that international society must be founded on assured human rights. Some 15 years previously, the Conference on Security and Co-operation in Europe (CSCE) had been launched, based on recognition of the fact that respect for human rights was essential for the establishment of lasting stability and co-operation in that continent. In view of the recent changes, such principles were no longer abstract undertakings and, if implemented in their entirety, would lead to harmonious coexistence in Europe. That end depended, at present as in the past, on peace and stability in the Balkan region. However, respect for human rights was fragile there because of the presence of minorities with ethnic or cultural ties to neighbouring countries. Such groups of people were in need of special protection in the field of human rights.

99. There were two specific situations in the Balkans of direct interest to Turkey that had implications for human rights. The first was the situation of the Turkish-Muslim minority in Bulgaria, where a campaign of forced assimilation had been launched by the previous Administration in late 1984. That policy had created serious problems in Bulgaria, had damaged that country's image at the international level and had led to a deterioration in relations between Turkey and Bulgaria. However, the new Government in Bulgaria had acknowledged the mistakes of the previous régime and had taken steps to restore their legitimate rights to Bulgarian citizens of Turkish origin and other Muslims. Those steps were welcomed by Turkey, which harboured no unfriendly feelings towards Bulgaria and hoped that all sectors of the population would benefit from the promised reforms.

100. In contrast to developments in Bulgaria, the situation of the Turkish-Muslim minority in western Thrace in Greece had worsened. That situation had always been of concern to Turkey, because the Greek authorities had so far failed to comply with their commitments to respect and protect the rights of that minority and pursued policies designed to keep it poor and underdeveloped. Systematic measures had also been taken to suppress the minority's ethnic and cultural identity. The culminating point had been the official Greek allegation that the members of the minority were not of Turkish origin but merely Greek Muslims.

101. The attempts of the Greek authorities to suppress the ethnic and cultural identity of the Turkish minority had led to a reaction by that minority and the emergence of human rights activists endeavouring to protect the rights of their kinsmen. Two such activists, Mr. Sadik Ahmet and Mr. Ibrahim Serif, had been sentenced to imprisonment and deprived of their political rights for three years following a trial contravening basic principles of the administration of justice. Furthermore, there had been a widespread outbreak of violence by ethnic Greeks against their fellow-countrymen of Turkish origin. That had been encouraged by the local media, and security officials had taken no steps to prevent it.

102. The Greek authorities could not deny their major share of responsibility in that violence, which had been the result of policies pursued by Greece over decades. The Greek authorities should respect the provisions of the Lausanne Peace Treaty and the CSCE principles regarding minorities. Greek citizens of Turkish origin should be permitted to enjoy their human and minority rights in full, as equal citizens of their country. Furthermore, the injustice done to Mr. Sadik Ahmet and Mr. Ibrahim Serif should be rectified by releasing them immediately. Compensation should be paid for the damage suffered by the Turkish minority, and the perpetrators of the mass violence duly prosecuted if Greece was to comply with its moral and contractual obligations to its citizens of Turkish origin.

103. His Government considered that the Greek Orthodox minority in Istanbul and the Turkish Muslim minority in western Thrace should constitute bridges of co-operation and friendship between Turkey and Greece. The actual performance of the Greek authorities in the field of legitimate minority rights constituted a disservice to Greece, to Turkish-Greek relations and to stability in the Balkans. He reminded the Commission that, at the meeting of the Ministers for Foreign Affairs of the Balkan countries held in Belgrade in February 1988, the view had been expressed that national minorities in the Balkan countries in whose territories they existed should be a factor of cohesion, stability, friendly relations and co-operation.

The meeting rose at 9 p.m.